

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MARC A. STEPHENS,  
Plaintiff,  
v.

CASE NO. 2:14-cv-06688-WJM-MF

THE HON. EDWARD A. JEREJIAN, in his  
Official Capacity as Judge of the Superior  
Court of Bergen County;  
CHIEF ARTHUR O'KEEFE, as an  
individual, and in his Official Capacity as  
Chief of the Englewood, New Jersey Police  
Department  
JOHN JAY HOFFMAN in his Official  
Capacity as Attorney General of New Jersey  
Defendants

**AFFIDAVIT TO PROCEED IN FORMA  
PAUPERIS**

**AFFIDAVIT TO PROCEED IN FORMA PAUPERIS**

My Issues on Appeal are:

1. Whether the trial court erred in dismissing the plaintiff's complaint with prejudice holding that New Jersey Firearm permit and licensing laws are constitutional under *Drake v. Filko*, 724 F.3d 426, 429 (3d Cir. 2013) despite the United States Supreme Court opinion in *District of Columbia v. Heller*, 128 S. Ct. 2783 - Supreme Court 2008 and *McDonald v. City of Chicago, Ill.*, 130 S. Ct. 3020 - Supreme Court 2010 saying States cannot enforce gun control laws or interfere with the citizens' rights to keep and bear arms.
2. Whether the trial court erred in denying plaintiff's right to amend the complaint and holding that the Rooker-Feldman doctrine bars the plaintiff from filing a separate and independent complaint in federal court after losing in State court regarding the constitutionality of New Jersey's Firearm permit and licensing laws.
3. Whether New Jersey's permit and licensing laws are unconstitutional and should be reviewed by the court under Strict-Scrutiny because the right to keep and bear arms is a guaranteed, inalienable, and fundamental right.
4. Whether New Jersey's permit and licensing laws are unconstitutional and should be reviewed by the court under Strict-Scrutiny because New Jersey Legislature passed their firearm laws based on racism and discrimination.
5. Whether New Jersey's legislature historical background and administrative records suggests intent to deprive African Americans from the right to keep and bear arms in violation of the fourteenth amendment of the United States Constitution.

6. Whether Citizens must first obtain a permit or license to carry firearms at home and in public and if the State of New Jersey can ban arms, firearms, ammunition, and interfere with citizen's right to keep and bear arms due to public safety concerns.

I have exhausted all funds due to dealing with multiple court cases and personal financial issues. For the past two years, and as guardian of my brother Tyrone Stephens, I have been dealing with his two court cases, one in which he was framed by the Englewood Police Department for crimes he did not commit. The case required me to hire two lawyers in which we ran out of funds and had to hire a public defender. At the time, I found work which paid me \$8,000 per month, ECF no. 66-16, page 6, 7, but the prosecutor complained to the Judge that I was not supervising my brother 24/7 if I was working and traveling, so I was laid off and lost my income, ECF no 66-11, page 5, 12-13. We finally won the police false charges case when the judge dismissed all charges with prejudice, and we filed a civil suit in federal court 2:14-cv-05362-WJM-MF, which our in forma pauperis was granted. At the time I was also going through a lengthy Divorce which was finalized right after we won the case Exhibit A. All community property, money, and assets went to my x-wife.

I am also currently dealing with a civil case in the Bronx Supreme Court, index no. 303056-2013, Exhibit B for money damages I filed on May 13, 2013, against employees who fraudulently transferred all of my company assets into a shell corporation. The court ordered a stay on all revenue which is around \$20,000 gross per month, so for two years I was unable to access funds until the court makes a decision. I currently owe my attorney, who was handling the case \$10,000 in legal fee and interest in which he is very considerate of my financial situation, Exhibit C. Because I could no longer afford attorney fees, I am handling the case pro se. The Judge on the case just recently retired, and a new Judge was assigned. The case may go to trial.

I am also currently dealing with and assisting my mother, who is disabled, with a Foreclosure matter in the Superior Court of New Jersey Docket no. F-48329-13, Exhibit D. Both my mother and I exhausted all funds on this case and her request for in forma pauperis was granted.

In this current matter before the court I paid the \$400 fee to initiate the complaint, but on appeal I simply cannot afford the \$500 fee. In order to bring in some type of income while dealing with all court case which are extremely exhausting and challenging as a layperson at law, I provide internet marketing services to small businesses but the \$200-350 average monthly revenue is not enough to cover all of my personal expenses, Exhibit E, and now court and administrative fees such as printing and mailing expenses for court. Revenue is deposited into my paypal and chase quickpay accounts and are transferred into my bank of America business checking for MAS Web Design & Hosting. I expect major changes to my monthly income and expenses and liabilities during the next 12 months. My personal checking account have been closed by levies and currently I received a notice of wage garnishments, bank levies, and liens on my personal property, Exhibit F. Over the past two years, friends and family did

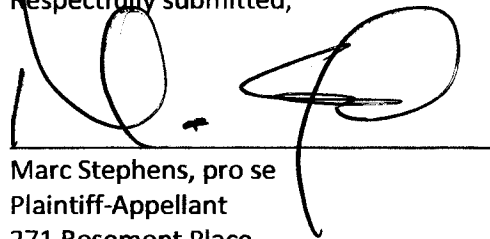
donate once or twice to help with my personal expenses and court fees for all cases indicated above. I am also handling the case pro se.

In addition, it is also hard for me to work and go out in public because I fear for my safety which is the reason why I filed for a firearm permit. A group of individuals who calls themselves the Skeptics Society have been constantly threatening my life for the past three years by sending multiple death threats on my phone, via the internet, email, and showing up at my place of residence. Sgt. Pulice of the Englewood Police Department testified in my firearm hearing that the threats against me are serious threats. These individuals also interfere with my potential clients by contacting and harassing them. They are also constantly hacking my phone and computer.

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

**Dated: December 11, 2015**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marc Stephens', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Marc Stephens, pro se  
Plaintiff-Appellant  
271 Rosemont Place  
Englewood, NJ 07631  
201-598-6268